

**BEST AVAILABLE COPY****REMARKS**

Claims 1-21 are pending in the present application. In the Office Action, the Examiner rejected claims 1-21 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. The Examiner's rejections are respectfully traversed.

First, the Examiner alleges that a physical layer is not capable of determining that control codes are inconsistent with an authentication code. Applicants note that the physical layer is responsible for the transmission of a data carrying signal across a transmission medium. The physical layer groups digital data and generates a modulated waveform based on the data in accordance with the particular transmission scheme. In GSM, the physical layer generates the transmission waveform and transmits during the assigned transmit time slot of the mobile station. Similarly, the receiving portion of the physical layer identifies data destined for the mobile station during the assigned receipt time slot. See Patent Application, page 5, ll. 12-18. However, Applicants submit that there is nothing in the definition of the physical layer that precludes the physical layer from receiving control codes and an authentication code from a protocol layer and signaling a security violation in response to the control codes being inconsistent with the authentication code. Applicants further submit that a person of ordinary skill in the art having benefit of the present disclosure would be capable of implementing a physical layer capable of receiving control codes and an authentication code from a protocol layer and signaling a security violation in response to the control codes being inconsistent with the authentication code.

Second, the Examiner alleges that the term "inconsistent" is broad and indefinite. Applicants respectfully disagree and submit that a person of ordinary skill in the art having benefit of the present disclosure should appreciate that the control codes may be inconsistent

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with the authentication code in a variety of ways, such as one or more control codes being different that a portion of the authentication code, one or more hashes of one or more control codes being different than a portion of the authentication code, and the like. Accordingly, Applicants respectfully submit that the claims reasonably define the scope of the claims so that the public is informed of the boundaries of what constitutes infringement of the patent. See MPEP §2173. Moreover, Applicants note that the breadth of claim is not to be equated with indefiniteness. See MPEP §2173.04

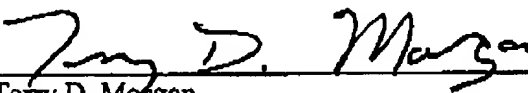
Third, the Examiner rejects claim 21 because the limitation "the transceiver" lacks sufficient antecedent basis. Claim 21 has been amended.

For at least the aforementioned reasons, Applicants respectfully submit that claims 1-21 are definite and request that the Examiner's rejections of these claims under 35 USC 112, second paragraph, be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the Mark W. Sincell at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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